

SM

**PETITION FOR WRIT OF HABEAS CORPUS
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

PERSONS IN FEDERAL CUSTODY

RECEIVED

Timothy Demitri Brown

(Full name under which convicted)

PETITIONER

10979-035

(Prisoner number)

v.

Warden Ciolfi USP Thomson

(Name of Warden, Superintendent,
Jailor, or authorized person having
custody of petitioner)

Respondent.

SEP 14 2021 cm

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

1:21-cv-04868
Presiding Judge Gary Feinerman
Magistrate Judge Jeffrey Cole
PC 10
RANDOM

If petitioner is serving a sentence under a federal judgment which he wishes to attack, he should file a motion under 28 U.S.C. § 2255, in the federal court which entered the judgment.

Revised: 06/04/15

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

PETITION

1. Name and location of court which entered the judgment of conviction under attack:

Western District of Louisiana, Alexandria Louisiana

2. Date of judgment of conviction: May 10, 2001

3. Length of sentence: Life

4. Nature of offense involved (all counts with indictment number of each, if known):

1. Conspiracy, 2-8 Drugs, 9-11 Money Laundering

5. What was your plea? (Check one)

(A) Not Guilty	(<input checked="" type="checkbox"/>)
(B) Guilty	(<input type="checkbox"/>)
(C) Nolo Contendere	(<input type="checkbox"/>)

If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:

6. Kind of trial: (Check one)

(A) Jury	(<input checked="" type="checkbox"/>)
(B) Judge only	(<input type="checkbox"/>)

7. Did you testify at trial?

Yes (<input checked="" type="checkbox"/>)	No (<input type="checkbox"/>)
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8. Did you appeal from the judgment of conviction or imposition of sentence?

Yes (<input checked="" type="checkbox"/>)	No (<input type="checkbox"/>)
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- (A) If you did appeal, answer the following:

(1) Name of court: Fifth Circuit Court of Appeals

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

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(2) Result: Denied(3) Date of result: unknown 2004(4) Issues raised: Jurisdiction, Booker

9. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications or motions pursuant to 28 U.S.C. § 2255 with respect to this judgment in any federal court?

Yes No

10. If your answer to question (9) was YES, give the following information:

(A) (1) Name of court: U.S. Supreme Court 03-10424(2) Nature of proceeding: Writ of Certiorari(3) Grounds raised: Jurisdiction, Booker

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes No (5) Result: Denied as to me, Granted as to co-defendant(6) Date of result: January 2005, 03-10424

- (B) As to any second petition, application, or motion, give the same information.

(1) Name of court: Western District of Louisiana(2) Nature of proceeding: 2255

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

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(3) Grounds raised: Jurisdiction, Booker

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes () No (✓)

(5) Result: denied

(6) Date of result: unknown 2005

(C) As to any third petition, application, or motion, give the same information.

(1) Name of court: Western District of Louisiana

(2) Nature of proceeding: First Step Act

(3) Grounds raised: Change in Law under the First Step Act

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes () No (✓)

(5) Result: denied

(6) Date of result: Dec. 2019

(D) Did you appeal the result to the federal appellate court having jurisdiction?

(1) First petition, etc.	Yes (✓)	No ()
(2) Second petition, etc.	Yes (✓)	No ()
(3) Third petition, etc.	Yes (✓)	No ()

(E) If you did not appeal from the adverse action on any petition, application, or motion, explain briefly why you did not:

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

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11. If you did not file a motion under Section 2255 of Title 28 United States Code, or if you filed such motion and it was denied, state why your remedy by way of such motion is inadequate or ineffective to test the legality of your detention:

Alleyne was decided in 2013 (Issue One) Chazen v. Marske 2019 U.S. App. Lexis 225 (original 2255 was 2005) and petitioner had not completed the twenty year max.

Issue Two - The government continues to withhold the exculpatory evidence (finger prints analysis), Even after repeated court orders. FBI Agent Klacke has also admitted withholding this and other exculpatory evidence.

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12. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same. You should raise in this petition all available grounds for relief which relate to the conviction under attack. Failure to do so may bar you from presenting additional grounds at a later date.

- (A) Ground one: Have completed Maximum sentence
Supporting FACTS (tell your story briefly without citing cases or law):

Petitioner was charged with no specific drug amount under a general conspiracy charge with also different possession and distribution charges. None of these charges contained a specific amount and the jury only convicted me under a general form without contributing any amount to me. As such, my lawful maximum sentence could only be under the general drug statute 21 U.S.C. § 841(b)(1)(C) which has a max of twenty years. As of today petitioner has been held OVER TWENTY years. The U.S. Attorney Office has conceded to this issue!

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

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- (B) Ground two: Actual Innocence - Withheld Exculpatory Evidence
Supporting **FACTS** (tell your story briefly without citing cases or law):

Petitioner was charged with drug distribution. Yet, the finger print evidence shows that petitioner was not the individual responsible for these alleged packages. This exculpatory evidence continues to be withheld, it shows petitioner to be actually innocent.

The main government witness, Chadrick McNeal, has admitted that he never received these alleged packages from petitioner and he actually got them from government informants named Milton Thomas and John L Jones.

This withheld exculpatory evidence would have required the court to grant the judgment of acquittal motion had it not been withheld, whereas no unbiased juror could have found petitioner guilty with this evidence corroborated the alibi hotel and airline receipts showing petitioner could not have been in Alexandria, Louisiana at the time of these alleged incidents.

- (C) Ground three: _____
Supporting **FACTS** (tell your story briefly without citing cases or law):

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

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Ground four: _____

Supporting **FACTS** (tell your story briefly without citing cases or law): _____

13. Has any ground set forth in question (12) been previously presented to this or any other federal court by way of petition for habeas corpus, motion under Section 2255 of Title 28, United States Code, or any petition, motion or application.

Yes (✓) No ()

14. If you answered "YES" to question (13), state briefly what grounds were previously presented, and name the proceedings in which each ground was raised:

Ground Two - Civil Suit under Freedom of Information Act D.C.

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

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15. Do you have any petition or appeal now pending in any federal court, as to the judgment under attack?

Yes ()

No (✓)

- (A) If yes, state the name of the court and the nature of the proceeding.
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16. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(A) At preliminary hearing: Timothy A. Meche

(B) At arraignment and plea: Timothy A. Meche

(C) At trial: N/A

(D) At sentencing: N/A

(E) On appeal: Daniel Stanford

(F) In any post-conviction proceedings: Dustin Talbot, Peter Black

(G) On appeal from any adverse ruling in a post-conviction proceeding:

17. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

Yes (✓)

No ()

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

18. Do you have any future sentence to serve after you complete the sentence imposed by judgment under attack?

Yes ()

No (✓)

- (A) If YES, give the name and location of the court which imposed sentence to be served in the future:

- (B) And give the date and length of sentence to be served in the future

WHEREFORE, petitioner prays that the court grant petitioner relief to which he may be entitled in this proceeding.

Signature of Attorney (if any)

J. D. Brown
Signature of Petitioner

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on Aug. 27, 2021
(Date)

J. D. Brown
(Signature of Petitioner)

Timothy Demitri Brown
(Mailing Address for Petitioner)
AUSP Thomson 10979-035
P.O. Box 1002
Thomson, IL 61285

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

Timothy Demitri Brown
Administrative USP Thomson
10979-035
P.O. Box 1002
Thomson, IL 61285

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09/14/2021-21

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Magistrate Judge Jeffrey Cole
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RANDOM

Clerk of the United States District Court
Prisoner Correspondent
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20th Floor
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